

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641 -DGC

This Document Relates to:

Diane Garner
Civil Action No.: 2:18-cv-04333-DGC

UNOPPOSED MOTION TO SUBSTITUTE PARTY PLAINTIFF

Counsel, pursuant to Rule 25 (a)(1) of the Federal Rules of Civil Procedure, moves this Court for an Order substituting bankruptcy trustee Robert E. Tardif, Jr. in place of plaintiff Diane Garner.

1. Dine Garner filed a products liability lawsuit against Defendants on December 3, 2018, in the District of Arizona – MDL No. 2:15-MD-02641.

2. On December 7, 2020, Plaintiff filed and served a Suggestion of Death [Doc 21735].

3. Robert E. Tardif, Jr. Trustee of the bankruptcy estate of Diane, is the proper party to substitute for Plaintiff-decedent Diane Garner and has proper capacity forward with the surviving products liability lawsuit on her behalf, pursuant to Fed. R. Civ. P. 25(a)(1). “If a party dies and the claim is not extinguished, the Court may order substitution of the proper party. A motion for substitution may be made by any party of by the decedent’s successor or representative.”

**UNOPPOSED MOTION TO SUBSTITUTE PARTY PLAINTIFF AND FOR
LEAVE TO AMEND SHORT FORM COMPLAINT**

1 4. Plaintiff's counsel has conferred with the Defendant's counsel and Defendants
2 do not oppose the filing of this motion.

3 5. Based on the foregoing, Robert E. Tardif, Jr. requests that this Court grant his
4 request for substitution of Plaintiff in this action

5 Date: December 11, 2020

Respectfully submitted,

6 **LOPEZ McHUGH LLP**

7 By /s/Ramon Rossi Lopez
8 Ramon Rossi Lopez (CA Bar No. 86361)
 (admitted pro hac vice)
 Matthew Ramon Lopez (CA Bar No. 263134)
 (admitted pro hac vice)
 100 Bayview Circle, Suite 5600
 Newport Beach, California 92660

11 *Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that on this 11 December, 2020, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/Ramon Rossi Lopez